

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

**CRYSTAL DEYAPP, and
JUNIOR JUAREZ,**

Plaintiffs,

v.

CIV 02-0452 JP/RLP

**FARMINGTON POLICE
OFFICER TAFT TRACY,
and CITY OF FARMINGTON,**

Defendants.

**RONALD R. ADAMSON'S MOTION AND MEMORANDUM IN SUPPORT
OF HIS REQUEST FOR ATTORNEYS' FEES**

Ronald R. Adamson, Attorney at Law, hereby moves this Court to award reasonable and necessary attorney's fees, expenses, and New Mexico Gross Receipts tax incurred to date in the above captioned case for the reasons that follow:

- 1) The instant case was heard by a jury on March 7, 2005 through March 10, 2005. The jury rendered a verdict in favor of Plaintiff Junior Juarez and Crystal DeYapp. The jury awarded Junior Juarez \$433,000.00 and it awarded Crystal DeYapp \$257,000.00.
- 2) On April 26, 2005, this Court entered a Judgment against Defendants (Doc.152 in case 0452; Doc. No. 16 in case 0453) and in favor of Plaintiffs, reflecting the jury's verdict.
- 3) Throughout the entirety of this litigation the Defendants flatly refused to consider settling Junior Juarez's claims. Defendant Tracy was represented by Luis Robles, an attorney who specializes in defending excessive force cases. Settlement was not possible and this case was extensively litigated.
- 4) As related in the fee applications of the other counsel for Plaintiffs, the Plaintiffs in this case presented three categories of claims. One state law claim for battery, one federal

claim for violation of constitutional rights protected by Section 1983, and one claim for punitive damages for the gravity of the conduct involved. The jury rendered a verdict in favor of Plaintiffs on all three claims. Accordingly, Plaintiffs are prevailing parties in this action and therefore entitled, pursuant to 42 U.S.C. § 1988, to their reasonable and necessary attorneys' fees, expenses¹, and applicable gross receipts tax, to date.

5) This motion is timely filed based on opposing counsel's concurrence.

6) The time and expenses which form the basis for plaintiff's request were reasonably and necessarily incurred by plaintiff's counsel and thus are compensable pursuant to 42 U.S.C. § 1988².

7) Defendant does not concur in this motion and accordingly, pursuant to the local rules of this Court, plaintiff's memorandum brief in support of this motion is filed herewith.

8) Attached in support of this Motion, please find the following exhibits:

- a. Affidavit of Dennis W. Montoya; and
- b. Attorney Time sheet.

ARGUMENT

Undersigned counsel was retained by Junior Juarez shortly after Mr. Juarez was shot by Officer Taft Tracy. Although undersigned counsel does not possess Federal Court experience equal to his co-counsel, Joe M. Romero, Jr. or Kevin Martinez, he has a great deal of experience in identifying issues relevant to civil rights deprivation actions. Undersigned counsel specializes

¹ Plaintiff raises by way of the instant motion and in his Bill of Costs alternative bases for the recovery of certain expenses sought herein which are also allowable as statutory costs under 28 U.S.C. § 1920. Plaintiff expressly states that he does not seek a double recovery of any such overlapping costs and expenses. For a brief discussion regarding the costs allowable under § 1920 and expenses recoverable by a prevailing party under § 1988. See Jane L. v. Bangerter, 61 F.3d 1505, 1517 (10th Cir. 1995); also Brown v. Gray, 227 F.3d 1278, 1297-98 (10th Cir. 2000).

² Based on Defendant's post-trial motion seeking judgment as a matter of law or in the alternative a new trial (Doc.153 in 0452), Plaintiff's merits counsel's work in this case is continuing; plaintiff's motion for attorneys' fees and expenses is therefore incomplete and will be supplemented along with Plaintiff's reply to Defendant's response to this motion for attorneys' fees and expenses.

in representing semi-indigent criminal clients in the Four Corners area. In this capacity, counsel's experience in issue spotting as well as explaining to clients the nuts and bolts of litigation has been well-honed.

It is clear that the results in this case were remarkable. One Plaintiff was explicitly informed that he would not be offered anything for the harm inflicted upon him. The other Plaintiff, following her offer to settle for substantially less than a jury ultimately awarded her, was not given a counteroffer. The award by the jury in this case demonstrates the level of success achieved by the Plaintiffs' counsel as well as the reasonableness of the work that each of the Plaintiff's attorneys put into this case. Put simply, Plaintiffs prevailed at trial in remarkable fashion.

Undersigned counsel did not attend trial in order to avoid the appearance of duplicating efforts or otherwise "over-working" the case. Nevertheless, his efforts were critical to the development of this case and, as such, he is entitled to recover his fees in this action.³ Undersigned counsel assisted in identifying critical evidentiary and testimonial issues at a very early stage in this case. Counsel also expended a great deal of time and effort to insure that Junior Juarez, primarily, and, to a lesser extent, Crystal DeYapp were kept abreast of all of the developments in the instant case. In undersigned counsel's experience, keeping the Plaintiffs themselves deeply involved in their cases is vital to presenting a coherent case at trial.

FEES AND EXPENSES REQUESTED

As a result of the Judgment entered in their favor, Plaintiffs are prevailing parties entitled to an award of the reasonable attorneys' fees and expenses necessarily incurred in the successful

³ In an effort to assure that no monies awarded to either Plaintiffs or their counsel is duplicative, undersigned counsel has foregone any request for expenses or costs.

prosecution of his claim. Based on the Affidavits filed herewith⁴ and/or attached hereto and the exhibits attached thereto, Plaintiff's attorney, Ronald R. Adamson, seeks the following fees, plus applicable New Mexico gross receipts tax at the rate in effect at the time the Court's award of attorneys' fees is made, for his counsel's work in this matter to date:

DeYapp and Juarez v. Tracy and Farmington		
Ronald R. Adamson, Attorney at Law		
Tasks	Date	Time Spent
Meeting Clients/Parents	7/19/2001	5.5
Meeting Joe M. Romero, Jr. and clients regarding case strategy	7/30/2001	5.1
TC client regarding Tucker and allegations	8/2/2001	0.3
Research on liability notes to Joe M. Romero, Jr.	8/2/2001	0.8
Review letter from Joe M. Romero, Jr.	8/3/2001	0.1
Review news article from Joe M. Romero, Jr.	8/5/2001	0.1
Meeting investigator re: plan	8/8/2001	2.8
Meeting with Joe M. Romero, Jr. tasks to be performed for clients	8/8/2001	3.0
Meet with client in prep for investigator meeting	9/4/2001	1.2
Review letter from Joe M. Romero, Jr. to Douglas Echols and The Chief of Police	9/5/2001	0.5
travel to Albuquerque to meet investigator and Joe M. Romero, Jr.	10/15/2001	3.3
Meeting invest. In Albuquerque re: taskings and briefing	10/15/2001	3.1
Return travel to Farmington	10/15/2001	3.2
Review letter to Sandra Price from Joe Romero	10/16/2001	0.1
Review letter to Joe Romero from Randall Harris	10/22/2001	0.1
Review letter to Randall Harris from Joe Romero	10/22/2001	0.1
Review news article	10/25/2001	0.1
TC clients re: status and plan	10/26/2001	0.9
Review letter to Gregory Tucker from Randall Harris	11/26/2001	0.1
Meet with client regarding questions for complaint, email to Joe M. Romero, Jr.	4/5/2001	2.5
Review complaint prior to filing; proofread	4/22/2002	1.6
Review letter to Junior Juarez from Joe Romero	5/6/2002	0.1
Review letter to Luis Robles from Joe Romero	6/5/2002	0.1

⁴ The affidavits in support of this motion will be filed directly with the Court.

Review letter to Donald Martinez from Joe Romero	6/5/2002	0.1
Review letter to Joe Romero from Luis Robles	6/10/2002	0.1
Review letter to Luis Robles from Joe Romero	6/19/2002	0.1
Review letter to UNM Hospital from Joe Romero	6/21/2002	0.1
Review letter Joe Romero from UNMH	7/8/2002	0.1
Review letter to UNM Hospital from Joe Romero	7/9/2002	0.1
Review letter to UNM Business Office from Joe Romero	7/9/2002	0.1
Review letter to Robert Sandoval from Joe Romero	7/19/2002	1.1
Review letter to Joe Romero from Richard Gerding	7/24/2002	0.1
Review letter to Robert March from Luis Robles	8/2/2002	0.1
Review and proof Joe M. Romero, Jr.'s motion for order to facilitate electronic filing	8/7/2002	0.1
Review and proof Joe M. Romero, Jr.'s notice of filing first amended complaint	8/7/2002	0.1
Review and proof Joe M. Romero, Jr.'s First Amended Complaint	8/7/2002	1.1
View incident scene with client	8/18/2002	2.5
Review letter to Joe Romero from Luis Robles	8/26/2002	0.1
Review letter to Joe Romero from Luis Robles	8/26/2002	0.1
Review letter to Joe Romero from Luis Robles	8/26/2002	0.1
Review letter to Joe Romero from Luis Robles	8/26/2002	0.1
Review letter to Luis Robles from Joe Romero	8/29/2002	0.1
Review letter to Luis Robles from Joe Romero	8/29/2002	0.1
Review MOTION to consolidate cases CV-02-453 LCS/WWD and CV-02-452 MV/RLP	8/30/2002	0.1
Review memorandum in support of motion to consolidate cases CV-02-453 LCS/WWD and CV-02-452 MV/RLP	8/30/2002	0.3
Review motion to dismiss number 1	8/30/2002	2.2
Review Motion to dismiss number 2 dismissal of NM constitutional and state law torts claims	8/30/2002	2.1
Review letter to Robert March from Luis Robles	8/30/2002	0.1
Review letter to Robert March from Luis Robles	8/30/2002	0.1
Review letter to Robert March from Luis Robles	8/30/2002	0.1
Review letter to Robert March from Luis Robles	8/30/2002	0.1
Review letter to Luis Robles from Joe Romero	10/3/2002	0.1
Meet with client regarding status of case and strategy	10/6/2002	1.8
Review and proof Joe M. Romero, Jr.'s response to motion to dismiss number 1	10/7/2002	1.2
Review and proof Joe M. Romero, Jr.'s Response to motion to dismiss number 2	10/7/2002	1.0

Review letter to Judge Puglisi from Luis Robles	10/7/2002	0.1
Review letter to Judge Vasquez from Luis Robles	10/7/2002	0.1
Review stipulated order by Senior Judge John E. Conway staying discovery until the Court rules on city Defendants' dispositive motions	10/10/2002	0.1
Review letter to Joe Romero from Luis Robles	10/11/2002	0.1
Review letter to Joe Romero from Luis Robles	10/11/2002	0.1
Review letter to Joe Romero from Luis Robles	10/11/2002	0.1
Review Defendant's Reply on Motion to Dismiss number 1. TC to client explaining motion for sj and case status	10/21/2002	2.1
Review letter to Robert March from Luis Robles	10/21/2002	0.1
Review notice of completion of briefing for motion to dismiss number 2 by defendants	10/22/2002	0.1
Review letter to Robert March from Luis Robles	10/22/2002	0.1
Review letter to Judge Vasquez from Luis Robles	11/5/2002	0.1
Review letter to Judge Vasquez from Luis Robles	11/5/2002	0.1
Review letter to Ronald Adamson from Luis Robles	11/12/2002	0.1
Review letter to Luis Robles from Joe Romero	12/23/2002	0.1
Review letter to Joe Romero and Ronald Adamson from Luis Robles	1/26/2003	0.1
Review letter to Joe Romero and Ronald Adamson from Luis Robles	2/2/2003	0.1
Review letter to Weldon Neff from Luis Robles	3/4/2003	0.1
Review letter to Samuel Carpenter from Joe Romero	3/6/2003	0.1
Review letter to Stevan Lund from Joe Romero	3/6/2003	0.1
Review letter to David Dunworth from Joe Romero	3/6/2003	0.1
Review letter to Stevan Lund from Joe Romero	3/6/2003	0.1
Review letter to San Juan Regional ER Physicians from Joe Romero	3/6/2003	0.1
Review letter to Four Corners Radiology from Joe Romero	3/6/2003	0.1
Review letter to Robert Grossheim from Joe Romero	3/6/2003	0.1
Review letter to Richard Webber from Joe Romero	3/6/2003	0.1
Review letter to Weldon Neff from Luis Robles	3/10/2003	0.1
Review stipulated order by District Judge Martha Vazquez granting motion to consolidate cases	4/17/2003	0.1
Review letter to Joe Romero from Luis Robles	4/30/2003	0.1
Review letter to Luis Robles from Joe Romero	5/12/2003	0.1
Review letter to Luis Robles from Joe Romero	5/21/2003	0.1
Review letter to Richard Gerding from Joe Romero	6/11/2003	0.1
Review letter to Richard Gerding from Joe Romero	7/7/2003	0.1
Review letter to Robert March from Richard Gerding	7/8/2003	0.1

Review letter to Joe Romero from Richard Gerding	7/8/2003	0.1
Review letter to Joe Romero from Richard Gerding	7/8/2003	0.1
Review EM from Joe M. Romero, Jr.'s staff; Review objection by movant Linda Pruitt to subpoena. TC Client, notes for the file	7/11/2003	1.7
TC Client re: follow up questions regarding gj	7/11/2003	0.2
Review letter to Court Clerk from Richsrd Gerding	7/16/2003	0.1
Review letter to Court Clerk from Joe Romero	7/22/2003	0.1
Review letter to Weldon Neff from Luis Robles	8/4/2003	0.1
Review letter to Luis Robles from Joe Romero	8/15/2003	0.1
Review letter to Joe Romero from Luis Robles	8/18/2003	0.1
Review letter to Joe Romero from Luis Robles	8/28/2003	0.1
Review letter to Joe Romero and Ronald Adamson from Luis Robles	8/28/2003	0.1
Review letter to Weldon Neff from Luis Robles	8/28/2003	0.1
Review letter to Judge Puglisi from Luis Robles	9/22/2003	0.1
Review letter to Luis Robles from Joe Romero	9/22/2003	0.1
Review Unopposed order for order lifting stay on discovery	9/23/2003	0.1
Review letter to UNM Hospital from Joe Romero	9/24/2003	0.1
Review stipulated order by Magistrate Judge Richard L. Puglisi on motion for order lifting stay	9/25/2003	0.1
Review Email from Joe M. Romero, Jr.'s staff; Review initial scheduling order, calendar	9/26/2003	0.9
Review letter to UNM Hospital from Joe Romero	10/14/2003	0.1
Review letter to Daniel Clifford from Joe Romero	11/4/2003	0.1
Review letter to Luis Robles from Joe Romero	11/7/2003	0.1
Review letter to Robert March from Luis Robles	11/14/2003	0.1
Review notice of change of address and telephone number	11/17/2003	0.1
Review EOA Defendants by attorney Luis Robles	11/17/2003	0.1
Review letter to Joe Romero from Luis Robles	11/17/2003	0.1
Review letter to Four Corners Radiology from Joe Romero	11/19/2003	0.1
Review letter to San Juan Regional ER Physicians	11/19/2003	0.1
Review letter to University Physicians Associates from Joe Romero	11/24/2003	0.1
Review letter to Joe Romero and Ronald Adamson from Luis Robles	11/24/2003	0.1
Review letter to Robert March from Luis Robles	11/24/2003	0.1
Review letter to Joe Romero and Ronald Adamson from Luis Robles	11/25/2003	0.1
Review letter to Robert March from Luis Robles	11/25/2003	0.1

EM from Joe M. Romero, Jr.'s staff; Review defendants Rule 26 initial disclosures; TC client	11/26/2003	0.6
Review certificate of service by defendants of service of discovery	11/26/2003	0.1
Review certificate of service of service of first set of interrogatories and requests for production	12/4/2003	0.1
review certificate of service of Rule 26 expert disclosures	12/10/2003	0.1
Review letter to Robert March from Luis Robles	12/29/2003	0.1
Review letter to Joe Romero and Ronald Adamson from Luis Robles	12/29/2003	0.1
Review Defendants COS on answers to first set discovery requests	1/2/2004	0.1
Review letter to Luis Robles from Joe Romero	1/2/2004	0.1
Review letter to Robert March from Luis Robles	1/2/2004	0.1
Review letter to Joe Romero and Ronald Adamson from Luis Robles	1/2/2004	0.1
Review Initial Pretrial Report	1/9/2004	0.2
Review letter to Joe Romero from UNM Hospital	1/10/2004	0.1
Meeting with client and Joe M. Romero, Jr. regarding Interrogatories and Requests for Production	1/12/2004	4.1
Review letter to Robert March from Luis Robles	1/26/2004	0.1
Review letter to Judge Puglisi from Luis Robles	2/9/2004	0.1
Review order by Magistrate Judge Richard L. Puglisi granting Defendants' unopposed motion to extend discovery deadlines	2/11/2004	0.1
TC client regarding accusation of "stalking" Defendant	2/23/2004	0.6
EM to Joe M. Romero, Jr. re: "stalking" and response	2/24/2004	0.3
Review letter to Joe Romero and Ronald Adamson from Luis Robles	2/26/2004	0.1
Review letter to Joe Romero and Ronald Adamson from Luis Robles	3/1/2004	0.1
Review letter to Joe Romero and Ronald Adamson from Luis Robles	3/18/2004	0.1
Telephone Conference with Joe M. Romero, Jr. and RS regarding investigation status, plan	3/18/2004	0.8
Review letter to Joe Romero and Ronald Adamson from Luis Robles	3/18/2004	0.1
Review letter to Daniel Clifford from Joe Romero	3/22/2004	0.1
Review letter to Richard Webber from Joe Romero	3/22/2004	0.1
Review and organize and memo regarding expert discs for Webber	3/22/2004	2.3
Review and proofread Rule 26 expert witness disclosure	3/23/2004	0.2

Review motion extending deadline on Rule 26 expert	3/25/2004	0.1
Review certificate of service of Rule 26	3/25/2004	0.1
Review letter to Joe Romero and Ronald Adamson from Luis Robles	3/25/2004	0.1
Review letter to Judge Puglisi from Luis Robles	3/25/2004	0.1
Review order by Magistrate Judge Richard L. Puglisi granting the stipulated motion to extend deadline to submit Rule 26 medical expert witness reports	3/30/2004	0.1
Review letter to Judge Puglisi from Luis Robles	4/9/2004	0.1
Review Stipulated Order granting unopposed motion to extend deadline to submit Rule 26 medical expert witness reports	4/13/2004	0.1
Review file, work on case memo	4/13/2004	3.8
Deposition of Virginia Jim (including prep work)	4/19/2004	1.8
Review letter to Joe Romero and Ronald Adamson from Luis Robles	4/23/2004	0.1
Review letter to Joe Romero and Ronald Adamson from Luis Robles	4/23/2004	0.1
Review motion for protective order re: Officer Tracy's internal affairs file	4/26/2004	0.1
Review letter to Judge Puglisi from Luis Robles	4/26/2004	0.1
Review letter to Joe Romero and Ronald Adamson from Luis Robles	4/26/2004	0.1
Review letter to Luis Robles from Medical Evaluation Center	4/28/2004	0.1
Review second supplemental discs; memo to file	4/29/2004	1.8
Review certificate of compliance for stipulated protective order re: Officer Tracy's internal affairs file	5/10/2004	0.1
TC client questions about plan of attack	5/13/2004	0.5
Review Certificate by defendants of service of second supplemental answers to first discovery	5/17/2004	0.1
Review certificate by defendants of service of 3rd supplemental Rule 26 initial disclosures	5/17/2004	0.1
Review entry of appearance	6/1/2004	0.1
Review Certificate of service of 4th supplemental Rule 26 disclosures	6/1/2004	0.1
Review Certificate of service of Officer Tracy's 3rd supplemental answers to first discovery requests	6/1/2004	0.1
Review order xfering case to parker	6/3/2004	0.1
Review 4th supplemental discs	6/4/2004	0.2
Review 3rd supplemental Interrogatory responses by Tracy	6/4/2004	0.2

Review unopposed mo to extend deadline to submit Rule 26 medical expert witness reports Number 2	6/7/2004	0.1
TC regarding possible expert	6/8/2004	0.1
TC regarding possible expert	6/8/2004	0.1
TC regarding possible expert	6/8/2004	0.1
Review order by Magistrate Judge Richard L. Puglisi granting Defendants' unopposed motion to extend deadline to submit Rule 26 medical expert witness reports	6/8/2004	0.1
Review letter to Luis Robles from The San Juan County Sheriff's Office	6/8/2004	0.1
Review letter to Joe Romero and Ronald Adamson from Luis Robles	6/10/2004	0.1
CL to Kevin Martinez from Joe Romero	6/11/2004	0.0
Review letter to Joe Romero, Ronald Adamson, and Kevin Martinez from Luis Robles	6/11/2004	0.1
Review letter to Joe Romero, Ronald Adamson, and Kevin Martinez from Luis Robles	6/14/2004	0.1
Review IPTR by Senior Judge James A. Parker and Magistrate Judge Richard L. Puglisi	6/16/2004	
Review letter to Joe Romero, Ronald Adamson, and Kevin Martinez from Luis Robles	6/18/2004	0.1
Review letter to Joe Romero and Ronald Adamson from Luis Robles	6/18/2004	0.1
Review letter to Joe Romero, Ronald Adamson, and Kevin Martinez from Luis Robles	6/23/2004	0.1
Review memo investigator on tasks, TC client	6/23/2004	1.2
Meet with Client regarding case status	6/24/2004	2.0
Review letter to Joe Romero and Ronald Adamson from Luis Robles	6/28/2004	0.1
Review certificate of service of 5th supplemental Rule 26 initial disclosures	6/29/2004	0.1
Review Certificate of service of deft Tracy's 4th supplemental answers and responses to first discovery requests	6/29/2004	0.1
Review letter to Joe Romero and Ronald Adamson from Luis Robles	6/29/2004	0.1
Review letter to Robert March from Luis Robles	6/29/2004	0.1
Meeting with Joe M. Romero, Jr. regarding Ronald Foote	7/2/2004	1.0
Review 5th supplemental rule 26 discs	7/3/2004	0.5
Review 4th supplemental answers to Interrogatories	7/3/2004	0.6

Review letter to American Professional Investigators from Joe Romero	7/6/2004	0.1
Review letter to Joe Romero and Ronald Adamson from Luis Robles	7/6/2004	0.1
Review letter to Joe Romero and Ronald Adamson from Luis Robles	7/6/2004	0.1
Review letter to Robert March from Luis Robles	7/6/2004	0.1
Review Motion for protective order re: prohibiting the depo questioning of Kennedy	7/7/2004	0.1
EM Joe M. Romero, Jr. regarding Kennedy	7/7/2004	0.2
Review letter to Joe Romero and Ronald Adamson from Luis Robles	7/7/2004	0.1
Review Motion to Compel and EM to Joe M. Romero, Jr.	7/8/2004	0.2
Review letter to Robert March from Luis Robles	7/8/2004	0.1
Review Answer	7/23/2004	0.5
Review answer to first amended complaint	7/23/2004	0.6
Review letter to Robert March from Luis Robles	7/23/2004	0.1
Review letter to Robert March from Luis Robles	7/23/2004	0.1
Review letter to Joe Romero and Ronald Adamson from Luis Robles	7/23/2004	0.1
Review letter to Daniel Clifford from Luis Robles	7/26/2004	0.1
Review letter to Richard Webber from Luis Robles	7/26/2004	0.1
Review letter to Terry Eagle from Joe Romero review and make notes	7/26/2004	0.4
Review letter to Terry Eagle from Joe Romero	7/26/2004	0.7
TC client regarding questions	7/26/2004	0.6
Review letter to Luis Robles from Joe Romero	7/27/2004	0.1
Review letter to Joe Romero, Ronald Adamson, and Kevin Martinez from Luis Robles	7/30/2004	0.1
Review letter to Joe Romero from Ellis Reporting Service	8/2/2004	0.1
Review letter to Judge Puglisi from Luis Robles	8/3/2004	0.1
Review order by Magistrate Judge Richard L. Puglisi granting Defendants' motion for a limited extension of the discovery	8/9/2004	0.1
Review EM from Joe M. Romero, Jr.'s office, Review Initial Scheduling Order, calendar	8/9/2004	0.5
Review notice of withdrawal of motion to compel number 1 regarding initial disclosures	8/16/2004	0.1
Review letter to Joe Romero, Ronald Adamson, and Kevin Martinez from Luis Robles	8/16/2004	0.1
Review letter to Robert March from Luis Robles	8/16/2004	0.1

Review letter to Joe Romero, Ronald Adamson, and Kevin Martinez from Luis Robles	8/16/2004	0.1
Review letter to Junior Juarez from Joe Romero	8/16/2004	1.1
Review letter to Crystal DeYapp from Joe Romero	8/16/2004	0.1
Review order granting Defendants' motion for protective order	8/18/2004	0.1
Review letter to Joe Romero, Ronald Adamson, and Kevin Martinez from Luis Robles	8/25/2004	0.1
Review motion for partial summary judgment number 1	8/27/2004	1.0
Review letter to Robert March from Luis Robles	8/27/2004	0.1
Review letter to Joe Romero, Ronald Adamson, and Kevin Martinez from Luis Robles	8/27/2004	0.1
Meet with client update on status meeting	8/28/2004	1.7
Review letter to Robert March from Luis Robles	8/30/2004	0.1
Review letter to Robert March from Luis Robles	9/7/2004	0.1
Review letter to Judge Puglisi from Luis Robles	9/7/2004	0.1
Review letter to Thomas Gillespie from Joe Romero	9/8/2004	0.3
Review letter to Kevin Martinez from Joe Romero	9/9/2004	0.1
Review letter to Joe Romero, Ronald Adamson, and Kevin Martinez from Luis Robles	9/14/2004	0.1
Review Notice of hearing before Senior Judge James A Parker Pretrial conference; TC Joe M. Romero, Jr.'s staff regarding PTC	9/15/2004	0.2
Review letter to Robert March from Luis Robles	9/15/2004	0.1
Review letter to Judge Puglisi from Luis Robles	9/15/2004	0.1
review stipulated order R by Magistrate Judge Richard L. Puglisi granting Defendants' unopposed motion for a limited extension of the discovery and dispositive motions deadlines	9/17/2004	0.1
Review letter to Joe Romero, Ronald Adamson, and Kevin Martinez from Luis Robles	9/24/2004	0.1
Review letter to Joe Romero, Ronald Adamson, and Kevin Martinez from Luis Robles	11/30/2004	0.1
	Total Hours	101.2
	Rate	\$130.00
	Subtotal	\$13,156.00
	Gross Receipts Tax	\$888.03
	Total	\$14,044.03

After determining that a party has prevailed, “the [district] court must then fix a reasonable fee.” Gudenkauf v. Stauffer Communications, Inc., 158 F.3d 1074, 1082 (10th Cir. 1998). The Tenth Circuit Court of Appeals has set out in detail in *Ramos v. Lamm*, 713 F.2d 546 (10th Cir. 1983), *abrogated on other grounds by* Pennsylvania v. Delaware Valley Citizens’ Council for Clean Air (Delaware Valley II), 483 U.S. 711 (1987), the considerations in determining what is a “reasonable” attorneys’ fees in civil rights cases, *citing* Hensley v. Eckerhart, 461 U.S. 424 (1983). See also Blum v. Stenson, 465 U.S. 886 (1984). “The most useful starting point for determining the amount of a reasonable fee is the number of hours reasonably expended on the litigation multiplied by a reasonable hourly rate.” *Ramos*, 713 F.2d at 552, *quoting* Hensley, 461 U.S. at 433. The *Ramos* case has been identified in this federal district as “the bellwether case in this Circuit for awarding attorney’s fees...,” New Mexico Citizens for Clean Air and Water v. Espanola Mercantile Co., No. CIV 92-1413 JC/RWM, Mem. Op. (10/20/94), at 3, *rev’d on other grounds*, 72 F.3d 830 (10th Cir. 1996). See Nieto v. Kapoor, CIV No. 96-1225 MV/JHG (Mem. Op. and Order, 8/27/02) (Doc. 460), at 3.

In determining what is a reasonable time in which to perform a given task or to prosecute the litigation as a whole, the court should consider that what is reasonable in a particular case can depend upon factors such as the complexity of the case, the number of reasonable strategies pursued, and the responses necessitated by the maneuvering of the other side. The hours for which compensation are sought in this matter were reasonably and necessarily spent. The affidavits filed by counsel provide the basis for calculating the hours on which attorneys’ fees should be awarded. Counsel’s affidavits satisfy the *Ramos* Court’s requirement that attorneys’ time records be meticulous, contemporaneous time records. 713 F.2d at 553. Undersigned counsel states in his affidavit that the time spent was reasonably necessary for the prosecution of

this case. This Court's review of counsel's billing records, incorporated herein, will satisfy it that the hours counsel spent were in fact a reasonable time in which to perform the given tasks described. "The government cannot litigate tenaciously and then be heard to complain about the time necessarily spent by the plaintiff in response." Copeland v. Marshall, 641 F.2d 880, 904 (D.C. Cir. 1980) (en banc), *quoted with approval*, City of Riverside, 477 U.S. at 580-81 n.11. See also Lipsett v. Blanco, 975 F.2d 934, 941 (1st Cir. 1992) (downside to defendants' "trench warfare" approach to litigation is additional expense to clients when plaintiff prevails in spite of such tactics). Likewise, Plaintiff is entitled to the fees sought for the work done that related to the potential criminal charges against him because without having done that work, and succeeded in it, the plaintiff could not, as a matter of law, have secured the relief he obtained on his civil rights claims in this case.

Moreover, Defendants' refusal to make any offer to settle Junior Juarez's case militates toward a fully compensatory fee award to plaintiff. City of Riverside v. Rivera, 477 U.S. 561, 580-81 n.11 (1986) (defendants "could have avoided liability for the bulk of the attorney's fees for which they now find themselves liable by making a reasonable settlement offer in a timely manner"). In Pennsylvania v. Delaware Valley Citizens' Council for Clean Air (Delaware Valley I), 478 U.S. 546 (1986), the Supreme Court affirmed an award of fees to a litigant for work done on related matters which the Court found was "useful and of a type ordinarily necessary to secure the final result obtained from the [civil rights] litigation." Id. at 561. The Court found further that the work was "crucial to the vindication of Delaware Valley's rights," rendering such time compensable under the federal civil rights laws. Id. at 556. Such is the case here with regard to undersigned counsel's work on the criminal case.

WHEREFORE, Plaintiffs respectfully request that this Court grant the relief sought herein.

Respectfully submitted,

(Electronically Filed)

By:

Ronald R. Adamson
217 N. Schwartz
Farmington, NM 87401
(505) 327-4119
(505) 326-1461

I hereby certify that the foregoing was mailed to all counsel of record herein on the 7th of July, 2005.

(Electronically Filed)

Ronald R. Adamson